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Note Changes Made By the Court

10 *Counsel for Defendants*

11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13

14 ASSE INTERNATIONAL, INC.,

15 Plaintiff,

16 v.

17  
18 REX W. TILLERSON, Secretary of  
State of the United States, *et al.*,

19  
20 Defendants.<sup>1</sup>  
21

Case No. SACV 14-00534-CJC  
(JPRx)

**PROTECTIVE ORDER**

22 Upon consideration of the parties' joint stipulation for entry of a Protective  
23 Order, and pursuant to Federal Rule of Civil Procedure 26(c), it is hereby  
24 **ORDERED** that:

25 <sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Rex W. Tillerson is being substituted as the  
26 successor to John F. Kerry as Secretary of State of the United States. The position  
27 of Deputy Assistant Secretary of State for Private Sector Exchange is currently  
28 vacant, as Keri M. Lowry resigned January 20, 2017.

1           1.     This Order shall govern the disclosure, handling, and use of the  
2 following documents in this case, hereinafter referred to as “Protected  
3 Information”:

4           a.     The document dated February 17, 2012, and entitled “Record of  
5 Interview – DS Case # VF-2012-50036 Noriko AMARI, J-1  
6 Visa Fraud,” setting forth the record of a telephone interview of  
7 Ms. Amari (with Tomoko Hayama, Bow Mun Chin, and  
8 Edward Choi, identified respectively as Ms. Amari’s translator,  
9 attorney, and friend) conducted on February 16, 2012, at the  
10 Bureau of Diplomatic Security’s (“DS”) Honolulu Resident  
11 Office, during which State Department representatives from the  
12 DS Victims’ Advocacy Program, DS Criminal Fraud  
13 Investigations Branch, DS Honolulu Resident Office, Office of  
14 Consular Fraud Prevention Programs, Bureau of East Asian and  
15 Pacific Affairs, and Bureau of Educational and Cultural Affairs  
16 (“ECA”), as well as a translator, participated, and consisting of  
17 two type-written pages; and

18           b.     The document containing the typed and hand-written notes  
19 memorializing the same telephone interview of Ms. Amari on  
20 February 16, 2012, taken down by the ECA Representative who  
21 participated in the interview and consisting of nine pages.

22           2.     All information derived from Protected Information, even if  
23 incorporated into another document or compilation or referred to in testimony,  
24 shall be treated as Protected Information.

25           3.     Before production, a producing party shall mark Protected  
26 Information with “PRODUCED SUBJECT TO PROTECTIVE ORDER,”  
27 “SUBJECT TO PROTECTIVE ORDER,” or a similar marking.  
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1           4.     Except as provided in Paragraph 5, no person who obtains access to  
2 Protected Information pursuant to this Order shall disclose these documents or that  
3 information without either the prior, express, written consent of the producing  
4 party or its counsel, or further order of the Court.

5           5.     Counsel for the parties may disclose Protected Information only to (a)  
6 the attorneys of record for the parties; (b) associates and staff of the attorneys of  
7 record for the parties, but only to the extent necessary to perform their duties; (c)  
8 Defendants and their employees; (d) experts and witnesses; and (e) Plaintiff and its  
9 employees.

10          6.     Before Plaintiff's counsel discloses Protected Information to any  
11 person listed in Paragraph 5, that person must be provided with a copy of this  
12 Order, and must sign a copy of the Acknowledgment and Consent form attached  
13 hereto (Exhibit A). Plaintiff's counsel shall retain copies of the signed  
14 Acknowledgment and Consent forms in their litigation files and shall make them  
15 available to Defendants' counsel upon request.

16          7.     If Protected Information is disclosed to any person not listed in  
17 Paragraph 5, upon learning of such disclosure Plaintiff's counsel must promptly (a)  
18 inform Defendants of the disclosure, including the surrounding facts and  
19 circumstances; and (b) request the return or destruction of the Protected  
20 Information and seek to minimize any further unauthorized disclosure.

21          8.     Any person to whom Plaintiff's counsel discloses Protected  
22 Information shall return to Plaintiff's counsel (or destroy, and certify such  
23 destruction in writing to Plaintiff's counsel) all such materials and any copies  
24 thereof upon termination of this civil action and any appeals thereof, or when they  
25 are no longer assigned or retained to work on this case, whichever comes first.

26          9.     Before filing a document containing Protected Information, a party  
27 shall move for leave to file the document under seal pursuant to Local Rule 79-5.2.  
28 If leave is denied, the parties shall confer to discuss procedures necessary to

1 prevent the disclosure of the Protected Information. Prior to using any Protected  
2 Information in open court, counsel for the parties shall confer to discuss procedures  
3 necessary to prevent the disclosure of that information.

4 10. Nothing in this Order shall be construed to limit the right of either  
5 party to introduce Protected Information into evidence, subject to the Federal Rules  
6 of Civil Procedure, Federal Rules of Evidence, applicable statutes or regulations,  
7 this Court's local rules, and this Protective Order.

8 11. This Order shall continue to be binding after the final termination of  
9 this litigation. Within 60 days after the termination of this civil action and any  
10 appeals thereof, all Protected Information and any copies thereof—including  
11 documents created by Plaintiff or its counsel, or anyone working on their behalf—  
12 shall be returned to Defendants or their counsel or destroyed, except for court  
13 filings retained by Plaintiff's counsel as part of their litigation files, which shall  
14 remain subject to the terms of this Order. Within 60 days after the termination of  
15 this civil action and any appeals thereof, Plaintiff's counsel will certify to  
16 Defendants' counsel that all such material has been returned or destroyed.

17 12. This Order does not constitute a ruling on the question whether any  
18 particular document is confidential and does not constitute a ruling on any  
19 potential objection to the asserted confidentiality of any record. Any party may  
20 move under Local Rule 37 to lift the protection provided by this order on particular  
21 documents or information, but the documents or information shall remain protected  
22 under the terms of this order until the Court rules on the motion.

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1           13. Each party reserves the right to seek to modify the terms of this Order  
2 at any time, and each party reserves the right to oppose any motion to modify the  
3 terms of this Order.

4           **SO ORDERED.**

5 Dated: March 20, 2017



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6 The Honorable Jean P. Rosenbluth  
7 United States Magistrate Judge  
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